

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN THOMPSON,

Plaintiff,

v.

MEGAN J. BRENNAN, et al.,

Defendants.

Case No. 17-cv-03798-EMC

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED AND
VACATING NOVEMBER 30, 2017
HEARING ON DEFENDANT'S
MOTION TO DISMISS**

Docket No. 11

Plaintiff has not filed a timely opposition to Defendant's motion to dismiss or sought an extension from the Court. *See* Docket No. 11. On November 9, 2017, the Court attempted to contact Plaintiff's counsel to determine whether an opposition would be filed. Plaintiff's counsel responded to the Court on November 13, 2017 stating she intended to file an opposition and inquired about the appropriate process. The Court directed Plaintiff's counsel to contact Defendant to attempt to reach a stipulation. The Court informed Plaintiff's counsel that if no stipulation were reached, an appropriate motion for relief would need to be filed in accordance with the Local Rules. As of this date, no stipulation or request for relief has been filed. Accordingly, the Court hereby **VACATES** the November 30, 2017 hearing on Defendant's motion to dismiss. *See* Docket No. 11.

Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed without prejudice for failure to oppose Defendant's motion to dismiss. *Farraj v. Cunningham*, 659 Fed.Appx. 925 (9th Cir. 2016) (affirming dismissal based on plaintiff's failure to oppose motion to dismiss); *Frantz v. U.S. Bank Nat. Ass'n.*, 549 Fed.Appx. 663 (9th Cir. 2013) (affirming dismissal based on plaintiff's failure to oppose motion to dismiss or timely seek an extension). In the response, Plaintiff shall also address the merits of Defendant's motion to dismiss. Plaintiff's

1 response must be filed no later than **December 1, 2017**. Defendant's reply to Plaintiff's response,
2 if any, must be filed by **December 8, 2017**. A hearing, if any, will be set by further order of the
3 Court.

4 **IT IS SO ORDERED.**

5 Dated: November 17, 2017

6 
7 EDWARD M. CHEN
United States District Judge